

Notice of Allowability

Application No.

10/074,641

Examiner

Ian N. Moore

Applicant(s)

SEZGIN ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/20/05.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 13 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8/10/05.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/10/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/02,3/05,6/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet below</u> . |

DETAILED ACTION

Response to Amendment

1. Claim rejections under obviousness-type double patenting, on claims 1-7 are withdrawn since timely filed a Terminal Disclaimer is received on 3/21/05 and approved on 5/21/05 accordingly.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey M. Glabicki on August 10, 2005.

The application has been amended as follows:

- In the drawing, **FIG. 1, 2, and 3** have been designated by a legend --**Prior Art** - - (see attached)
- Claim 1, line 5, "**a primary synchronization signal**" has been replaced with -- **the primary synchronization signal** - -
- Claim 5, line 6, "**a primary synchronization signal**" has been replaced with -- **the primary synchronization signal** - -

Allowable Subject Matter

3. Claims 1-7 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claims 1-7 are allowable over the prior art of record since the cited reference taken individually or in combination fails to particularly disclose the following italic limitations:

In claims 1 and 5, ...*a set of secondary synchronization signals which does not exceed $(\log_2 N) + 1$ number...* in combination with other limitations recited as specified in Claims 1 and 5.

Note that the closet prior art Sriam (US006665277B1) discloses a base station capable of communicating in a time division duplex using code division multiple access format (see col. 1, line 60 to col. 2, line 5; see col. 4, line 65-66), the base station transmitting a primary synchronization signal (see FIG. 5, FSC) and secondary synchronization signals (see FIG. 5, SSC) for synchronization purposes, the base station comprising:

means for transmitting the primary synchronization signal in a selected time slot (see FIG. 5, Slot 1,2,..., or 16) in a primary synchronization channel (see FIG. 5, Primary channel), the primary synchronization channel using a plurality of time slots for communication (see FIG. 5, slots 1-16; see col. 4, line 30-66);

means for associating each of a plurality of combinations of N code groups and the plurality of time slots with a unique combination of secondary synchronization signals from a set of secondary synchronization signals (see col. 4, line 50 to col. 5, line 6), and

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means for transmitting selected secondary synchronization signals, the selected secondary synchronization signals associated with one of the N code groups, the one group associated with the base station (see col.5, line 6-35).

However, Sriam fails to disclose above italic limitations. Thus, Sriam fails to disclose or render obvious the above limitations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

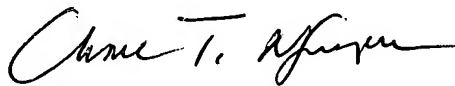
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM
9nm
8/11/05



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

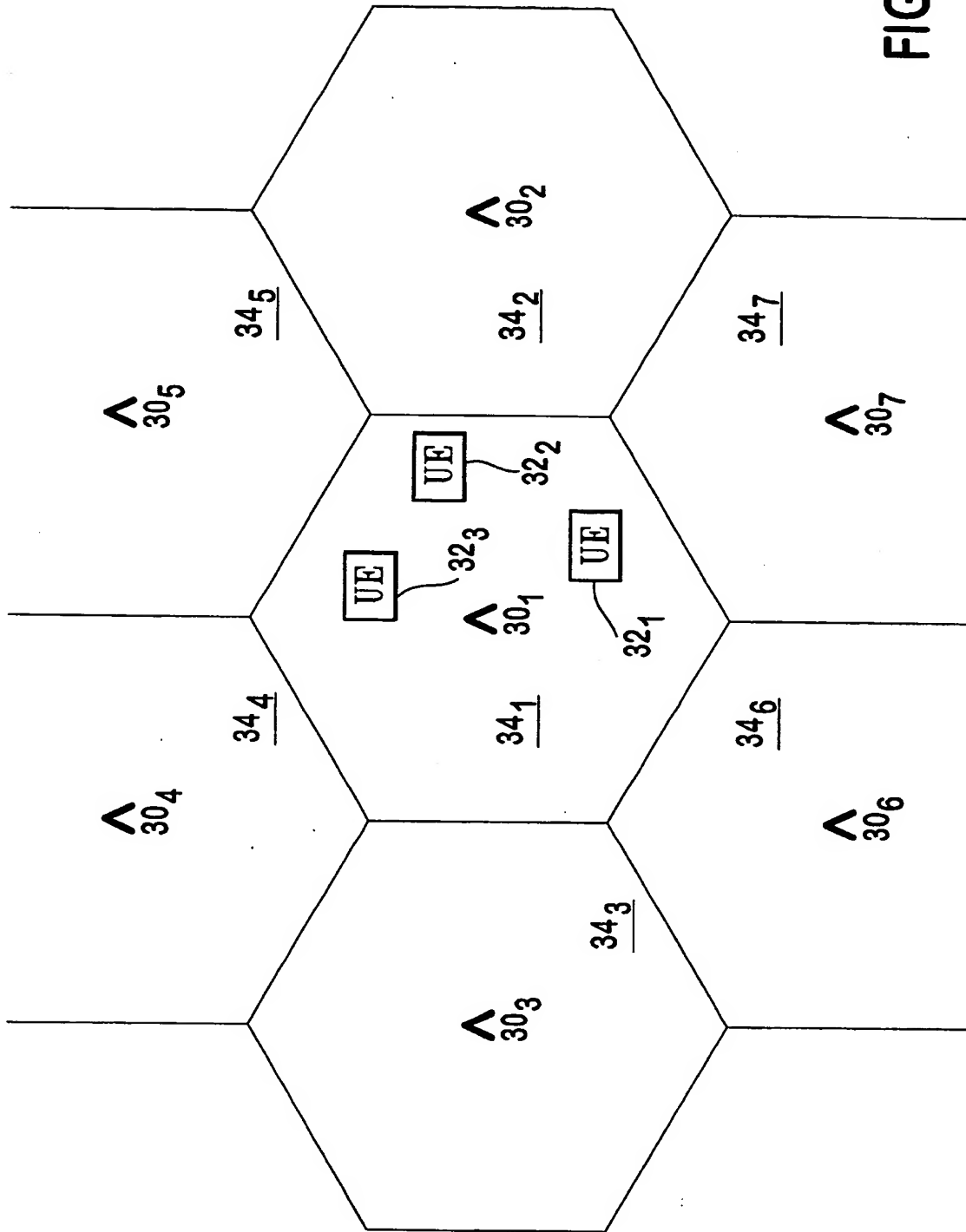


FIG. 1

PRIOR ART

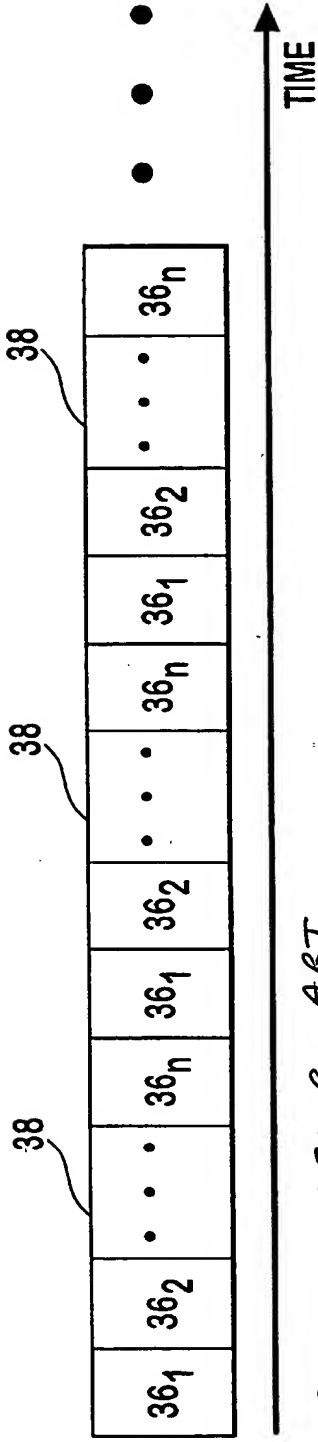


FIG. 2

PRIOR ART

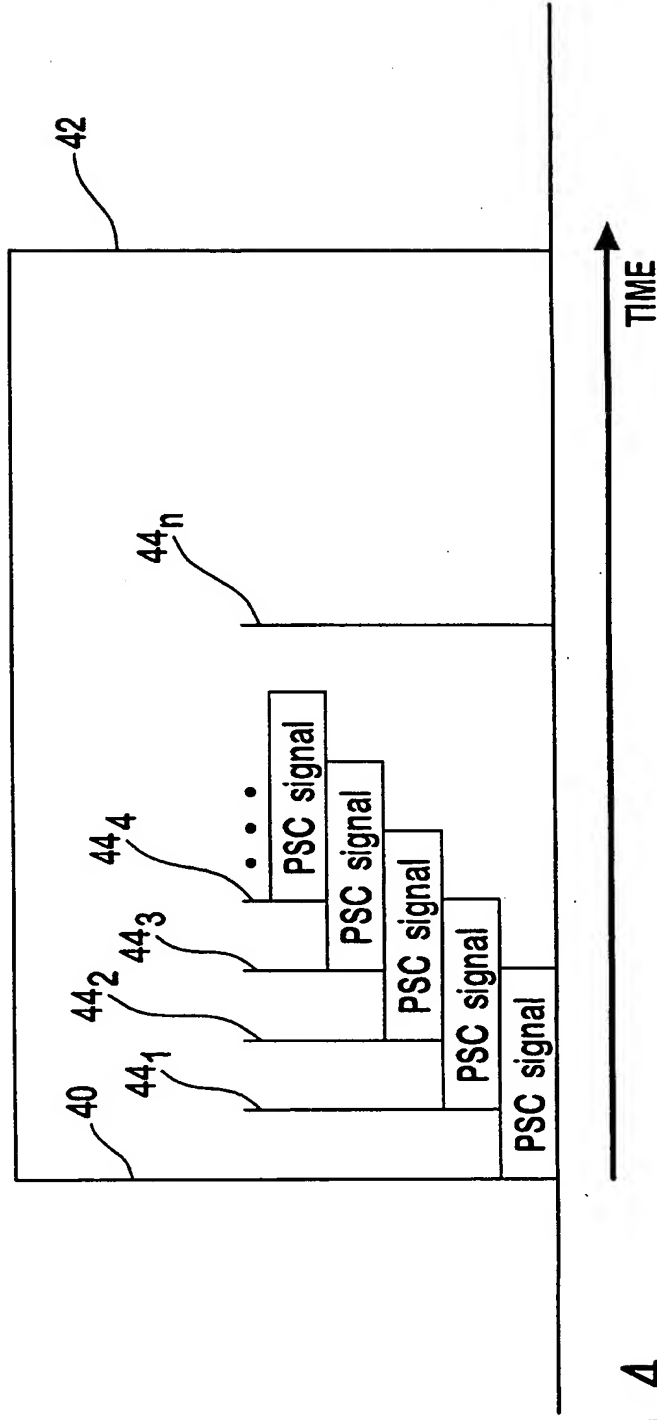


FIG. 4

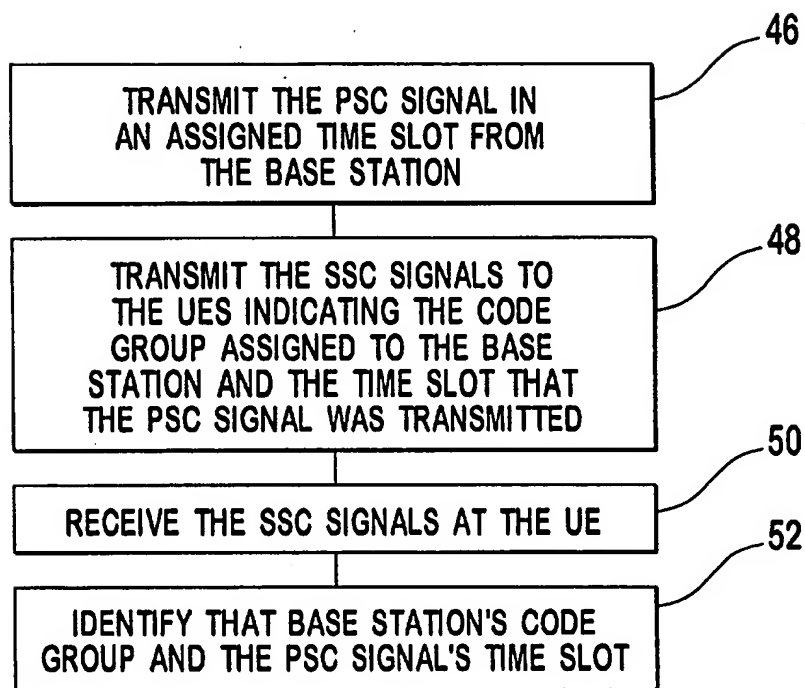


FIG. 3 *PRIOR ART*

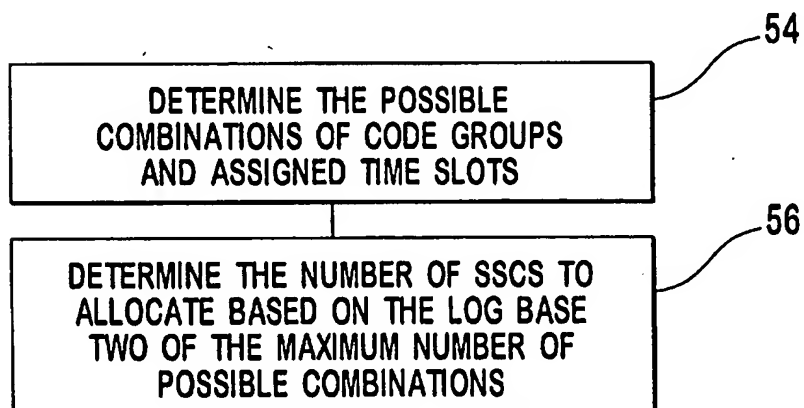


FIG. 6